

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JODI ROUVIERE and)	
ANDRE ROUVIERE,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 1:18-cv-04814-LJL-SDA
)	
DEPUY ORTHOPAEDICS, INC. n/k/a)	
MEDICAL DEVICE BUSINESS)	
SERVICES, INC. and HOWMEDICA)	
OSTEONICS CORPORATION)	
d/b/a STRYKER ORTHOPAEDICS,)	
)	
<i>Defendants.</i>)	

**PLAINTIFFS' MOTION TO ALTER, AMEND OR SET ASIDE
THIS COURT'S NOVEMBER 24, 2020 ORDER (*ECF* 232)
PURSUANT TO FED.R.CIV.P. 59(e)**

Plaintiffs Jodi Rouviere and Andre Rouviere, by and through undersigned counsel, respectfully moves this Court pursuant to Rule 59(e) of the Federal Rule of Civil Procedure and S.D.N.Y. Local Rule 6.3 to alter, amend or set aside its order entered on November 24, 2020 granting Defendant DePuy Orthopaedics, Inc's. ("DePuy") motion to strike Plaintiffs' alternate expert Dr Jarrell's report and opinion as to DePuy. *ECF* 232. In support of this motion, the Plaintiffs rely on the accompanying Memorandum of law in support of Plaintiffs' Motion to alter, amend or set aside this Court's November 24, 2020 order and declaration of Attorney Matt Morrison. *ECF* 242.

As explained in the accompanying Memorandum (*ECF* 242), in light of the recent issued declaration of Attorney Matt Morrison, the Court's decision was based on clear error of fact and/or error in finding there was not good cause to allow Plaintiffs' alternate expert Dr Jarrell's report and opinion to stand against Defendant DePuy Orthopaedics, Inc. ("DePuy"). For the

reasons presented in the Memorandum (ECF 242), the Plaintiffs respectfully request that this Rule 59(e) motion be granted and this Court alter or amend its November 24, 2020 order to find there is good cause to (1) allow Dr. Jarrell's report and opinion stand in its entirety, (2) not strike any portion of Dr. Jarrell's expert opinion as to DePuy and (3) deny DePuy's motion to strike (ECF 214). Plaintiffs request other relief this Court deems proper and just under the unique circumstances.

Miami, Florida.

Respectfully submitted,

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//ss// Andre Rouviere
ANDRE A. ROUVIERE

Attorney for Plaintiffs.

CERTIFICATE OF SERVICE

I, Andre Rouviere, hereby certify that a true and correct copy of the foregoing was filed electronically on the 5th day of December, 2020 in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's Filing System. The undersigned counsel has also served each counsel via email on this 5th day of December, 2020.

//ss// Andre Rouviere
ANDRE A. ROUVIERE